



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,664	09/26/2001	Stewart Mark Nichols	05222.00161	3001
29638	7590	03/15/2005	EXAMINER	
BANNER & WITCOFF AND ATTORNEYS FOR ACCENTURE 10 S. WACKER DRIVE, 30TH FLOOR CHICAGO, IL 60606			BELL, MELTIN	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,664

Applicant(s)

NICHOLS, STEWART MARK

Examiner

Meltin Bell

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/10/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to application **09/868,664** filed 09/26/2001 as well as the Amendment Submitted/Entered with Filing of CPA/RCE filed 01/04/2005 and Information Disclosure Statement (IDS) filed 06/10/2004. Claims 1-18 filed by the applicant have been entered and examined. An action on the merits of claims 1-18 appears below.

Priority

Acknowledgment is made of applicant's claim for priority based on application 09/218,478 filed in the United States on **12/22/98**.

Claim Objections

Claims 6-9 and 15-18 are objected to because of the following informalities:

Regarding claim 6:

- 'on a' would read well as 'based on'

Regarding claim 7:

- 'to a' would read well as 'to'

Regarding claim 8:

- 'on a' would read well as 'on'

Regarding claim 9:

- 'on a' would read well as 'on'

Regarding claim 15:

- 'on a' would read well as 'on'

Regarding claim 16:

- 'to a' would read well as 'to'

Regarding claim 17:

- 'on a' would read well as 'on'

Regarding claim 18:

- 'on a' would read well as 'on'

Appropriate correction is required.

Claim Rejections - 35 USC § 103

Applicant's arguments have been fully considered, but are not persuasive. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-6, 8-11, 13-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cook et al* W.I.P.O. International Publication Number WO 97/44766 A1 (November 27, 1997) in view of *Zeller et al* "DDD – A Free Graphical Front-End for Unix Debuggers" (January 1, 1996).

Regarding claim 1:

Cook et al teaches,

- (a) matching (page 70, lines 13-30) a profile (page 61, lines 24-32) against a simulation domain (page 67, lines 3-31), wherein the profile comprises a set of criteria (page 65, lines 28-33; page 70, lines 35-37; page 71, lines 1-2; page 82, lines 19-28)
- (b) presenting information indicative of a goal (Fig. 4)
- (c) integrating information that motivates accomplishment of the goal (page 8, lines 1-15)
- (d) monitoring progress toward the goal and providing feedback that further motivates accomplishment of the goal (page 10, lines 24-31), wherein the feedback is in accordance with the profile (page 70, lines 3-8)
- the presentation provides a cognitive educational experience (page 5, lines 10-29; page 21, lines 1-27).

However, *Cook et al* doesn't explicitly teach displaying details of the computer-implemented method and displaying the presentation as the presentation executes while *Zeller et al* teaches,

- (e) displaying details of the computer-implemented method and displaying the presentation as the presentation executes (Abstract)

Motivation – The portions of the claimed method would have been a highly desirable feature in this art for interactively exploring complex data structures and low cost competitive performance (*Zeller et al*, Abstract). Therefore, it would have been obvious

Art Unit: 2121

to one of ordinary skill in the art at the time the invention was made, to modify *Cook et al* as taught by *Zeller et al* for the purpose of exploring complex data structures.

Regarding claim 2:

The rejection of claim 2 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 2's limitations difference is taught in *Cook et al*:

- instantiating a particular feedback model based on characteristics of a target user (page 21, lines 23-27)

Regarding claim 4:

The rejection of claim 4 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 4's limitations difference is taught in *Cook et al*:

- browsing details of an object as the presentation executes (page 23, paragraphs 2-3)

Regarding claim 5:

The rejection of claim 5 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 6:

The rejection of claim 6 is the same as that for claim 1 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 8:

The rejection of claim 8 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 8's limitations difference is taught in *Cook et al*:

- tailoring feedback based on a user indicia as the presentation executes (page 109, lines 18-31)

Regarding claim 9:

The rejection of claim 9 is similar to that for claim 1 as recited above since the stated limitations of the claim are set forth in the references. Claim 9's limitations difference is taught in *Cook et al*:

- presenting a tailored simulation based on a user indicia as the presentation executes (page 109, lines 18-31)

Regarding claim 10:

Cook et al teaches,

- (a) a processor (page 29, lines 20-22) that runs a computer program to create the presentation
- (b) a memory that stores information under the control of the processor (page 29, lines 15-17)
- (c) logic that matches (page 70, lines 13-30) a profile (page 61, lines 24-32) against a simulation domain (page 67, lines 3-31), wherein the profile comprises a set of criteria (page 65, lines 28-33; page 70, lines 35-37; page 71, lines 1-2; page 82, lines 19-28)
- (d) logic that presents information indicative of a goal (Fig. 4)

- (e) logic that integrates information that motivates accomplishment of the goal (page 8, lines 1-15)
- (f) logic that monitors progress toward the goal and provides feedback that further motivates accomplishment of the goal (page 10, lines 24-31), wherein the feedback is in accordance with the profile (page 70, lines 3-8)
- the presentation provides a cognitive educational experience (page 5, lines 10-29; page 21, lines 1-27)

However, *Cook et al* doesn't explicitly teach logic that displays details of the computer program and that displays the presentation as the presentation executes while *Zeller et al* teaches,

- (g) logic that displays details of the computer program and that displays the presentation as the presentation executes (Abstract)

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for interactively exploring complex data structures and low cost competitive performance (*Zeller et al*, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Cook et al* as taught by *Zeller et al* for the purpose of exploring complex data structures.

Regarding claim 11:

The rejection of claim 11 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 11's limitations difference is taught in *Cook et al*:

Art Unit: 2121

- logic that instantiates a particular feedback model based on characteristics of a target user (page 21, lines 23-27)

Regarding claim 13:

The rejection of claim 13 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 13's limitations difference is taught in *Cook et al*

- logic that browses details of an object as the presentation executes (page 23, paragraphs 2-3)

Regarding claim 14:

The rejection of claim 14 is the same as that for claim 10 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 15:

The rejection of claim 15 is the same as that for claim 10 as recited above since the stated limitations of the claim are set forth in the references.

Regarding claim 17:

The rejection of claim 17 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 17's limitations difference is taught in *Cook et al*:

- logic that tailors feedback based on a user indicia as the presentation executes (page 109, lines 18-31)

Regarding claim 18:

The rejection of claim 18 is similar to that for claim 10 as recited above since the stated limitations of the claim are set forth in the references. Claim 18's limitations difference is taught in *Cook et al*:

- logic that presents a tailored simulation based on a user indicia as the presentation executes (page 109, lines 18-31)

Claims 3, 7, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Cook et al* in view of *Zeller et al* and further in view of *Hayes et al* USPN 5,170,464 "Method for rolling back an expert system" (December 8, 1992).

Regarding claim 3:

Cook et al teaches,

- (a) matching (page 70, lines 13-30) a profile (page 61, lines 24-32) against a simulation domain (page 67, lines 3-31), wherein the profile comprises a set of criteria (page 65, lines 28-33; page 70, lines 35-37; page 71, lines 1-2; page 82, lines 19-28)
- (b) presenting information indicative of a goal (Fig. 4)
- (c) integrating information that motivates accomplishment of the goal (page 8, lines 1-15)
- (d) monitoring progress toward the goal and providing feedback that further motivates accomplishment of the goal (page 10, lines 24-31), wherein the feedback is in accordance with the profile (page 70, lines 3-8)

- the presentation provides a cognitive educational experience (page 5, lines 10-29; page 21, lines 1-27)

However, *Cook et al* doesn't explicitly teach displaying details of the computer-implemented method and displaying the presentation as the presentation executes or receiving and analyzing user responses using an expert system to determine details of the computer program to display while *Zeller et al* teaches,

- (e) displaying details of the computer-implemented method and displaying the presentation as the presentation executes (Abstract)

Hayes et al teaches,

- receiving and analyzing user responses using an expert system to determine details of the computer-implemented method to display (Abstract)

Motivation – The portions of the claimed method would have been highly desirable feature in this art for simplifying correction of programming errors (*Hayes et al*, column 2, line 68; column 3, lines 1-5) and interactively exploring complex data structures and low cost competitive performance (*Zeller et al*, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Cook et al* as taught by *Zeller et al* and *Hayes et al* for the purpose of exploring complex data structures and simplifying correction of programming errors.

Regarding claim 7:

The rejection of claim 7 is similar to that for claims 1 and 3 as recited above since the stated limitations of the claim are set forth in the references. Claim 7's limitations difference is taught in *Hayes et al*:

- capturing portions of the presentation in response to a user indicia as the presentation executes (Abstract)

Regarding claim 12:

Cook et al teaches,

- (a) a processor (page 29, lines 20-22) that runs a computer program to create the presentation
- (b) a memory that stores information under the control of the processor (page 29, lines 15-17)
- (c) logic that matches (page 70, lines 13-30) a profile (page 61, lines 24-32) against a simulation domain (page 67, lines 3-31), wherein the profile comprises a set of criteria (page 65, lines 28-33; page 70, lines 35-37; page 71, lines 1-2; page 82, lines 19-28)
- (d) logic that presents information indicative of a goal (Fig. 4)
- (e) logic that integrates information that motivates accomplishment of the goal (page 8, lines 1-15)
- (f) logic that monitors progress toward the goal and provides feedback that further motivates accomplishment of the goal (page 10, lines 24-31), wherein the feedback is in accordance with the profile (page 70, lines 3-8)
- the presentation provides a cognitive educational experience (page 5, lines 10-29; page 21, lines 1-27).

However, *Cook et al* doesn't explicitly teach logic that displays details of the computer program and that displays the presentation as the presentation executes, wherein the presentation provides a cognitive educational experience or logic that receives and

Art Unit: 2121

analyzes user responses using an expert system to determine details of the computer program to display while *Zeller et al* teaches,

- (g) logic that displays details of the computer program and that displays the presentation as the presentation executes (Abstract)

Hayes et al teaches,

- logic that receives and analyzes user responses using an expert system to determine details of the computer program to display (Abstract; Figs. 1, 5, 9)

Motivation – The portions of the claimed apparatus would have been a highly desirable feature in this art for simplified correction of programming errors (*Hayes et al*, column 2, line 68; column 3, lines 1-5) and interactively exploring complex data structures and low cost competitive performance (*Zeller et al*, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify *Cook et al* as taught by *Zeller et al* and *Hayes et al* for the purpose of exploring complex data structures and simplifying correction of programming errors.

Regarding claim 16:

The rejection of claim 16 is similar to that for claims 10 and 12 as recited above since the stated limitations of the claim are set forth in the references. Claim 12's limitations difference is taught in *Hayes et al*:

- logic that captures portions of the presentation in response to a user indicia as the presentation executes (Abstract; Figs. 1, 5, 9)

RESPONSE TO APPLICANTS' AMENDMENT REMARKS

Applicant's June 10, 2004, Supplemental IDS and preliminary amendment to the title to read "A Runtime Program Analysis Tool for a Simulation Engine" (Amendment REMARKS page 5, paragraphs 1 and 4) are acknowledged.

Claim Rejections - 35 USC § 103

Applicant(s) argue(s) that the combination of *Zeller et al* "DDD – A Free Graphical Front-End for Unix Debuggers", *Cook et al* W.I.P.O International Publication No. WO 97/44766 and *Hayes et al* USPN 5,170,464 fail to even suggest the features of matching a profile against a simulation domain, wherein the profile comprises a set of criteria and monitoring progress toward the goal and providing feedback that further motivates accomplishment of the goal, wherein the feedback is in accordance with the profile (Amendment REMARKS page 5, paragraph 5).

Applicant's arguments have been fully considered but they are not persuasive. *Cook et al* page 70, lines 13-30, page 61, lines 24-32, page 67, lines 3-31, page 65, lines 28-33; page 70, lines 35-37; page 71, lines 1-2; page 82, lines 19-28, page 10, lines 24-31 and page 70, lines 3-8 are cited for explicitly and inherently disclosing the subject matter set forth in the claims by the applicants: matching a profile against a simulation domain, wherein the profile comprises a set of criteria and monitoring progress toward the goal and providing feedback that further motivates accomplishment of the goal, wherein the feedback is in accordance with the profile.

As set forth above with regards to *Cook et al*, *Zeller et al* and *Hayes et al*, the items listed explicitly and inherently teach each element of the applicants' claimed limitations. Applicants have not set forth any distinction or offered any dispute between the claims of the subject application, *Cook et al*'s AGENT BASED INSTRUCTION SYSTEM AND METHOD, *Zeller et al*'s DDD – A Free Graphical Front-End for Unix Debuggers and *Hayes et al*'s Method for rolling back an expert system.

Conclusion

The following prior art made of record is considered pertinent to applicant's disclosure:

- *Hekmatpour*; USPN 5,870,768; Expert system and method employing hierarchical knowledge base, and interactive multimedia/hypermedia applications
- *Cook et al*; USPN 5,727,950; Agent based instruction system and method
- *Shreiner*; CAPTOR a model for delivering web based intelligent tutoring system technology; IEEE Proc. DASC; vol. 2; pp 5.C.4.1-5; 2000

Any inquiry concerning this communication or earlier communications from the Office should be directed to Melvin Bell whose telephone number is 571-272-3680. This Examiner can normally be reached on Mon - Fri 7:30 am - 4:00 pm.

If attempts to reach this Examiner by telephone are unsuccessful, his supervisor, Anthony Knight, can be reached on 571-272-3687. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB / *MB*. *vs.*
March 11, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600